Dear Jim,

12/13/74

This is hardly t e kind of coming home present a friend would prefer but I see no real choice. I have to let you know.

Aside from this, which I downplayed not to embarrass Bud before Bill, perhaps a mistake, everything went exceptionally well today. We are in accord on everything and they have agreed to just about everything I proposed, including legal moves.

I was able to give them with a little time for thinking when I finally took time for a walk this morning, more they regard as relevant to the Constitutional issue I have called beyond remedy. Their evaluation is that it is relevant. In fact, they left with all of my discovery material. Even what I had selected out of the Public Defender's discovery for use in testimony and the rest for return to you, with that red expansion folder including carbons of everything for you. Except for the draft I began as an affidavit and then decided could be a summary of that part of my testimony. I have numbered the rest of the Public Defender's discovery into a summary I made as I read it of what I could testify to.

If you have not been informed and you get home late, Bud has heard from Potter Stewart on Haile's petition and has to respond by the 21st, obviously so that he can be in a position to issue a stay prior to the 22nd. I'm not certain I recall clearly what the final decision was, but I think it was restricted to the orthodox. I kept pressing for inclusion of tardiness and unreasonableness. I'm confident Bill's judgement on this was lawyerly where we may have disagreed and that in the end he and Bud were in agreement, so I'm not worried on that score.

As of now, Plummer and what that kind of insanity represents are my one major concern. The others are restricted to what can happen in any case and I'm not seriously worried about them.

A name other than Haile's appears on the petition to the Supreme Court. This can be significant or can mean nothing. I simply report what I was told.

Bud has decided other than I'd prefer, that we all remain in Memphis when we go there. His basis was, at least as he expressed it, cost. I feel this can be a very serious mistake and that it involves needless possibilities of ripoffs as well as other problems but there is nothing I can do about it.

I have urged that Bill do a little research on the law and be with us for the 17th only. Rather than what I had intended to urge, that we oppose this hearing, for which I am certain there is ample basis, that we exploit it. That was the manner of also agreed-to proper exploitation was also agreed to. We really got along very well on all substantive issues.

We had company we did not expect not long after they left. It is now late but I want to mail this at the post office in the (legal holiday) morning so that you may have it on your return.

While it is the last kind of thing we should at this juncture have in mind, I do think we can't avoid looking ahead to emergencies and what we can do should they come to pass.

Also, after you have read the memo on what I think I should testify to - I've told them both that I agree with your recommendation of memo on Stephens - please let me know what you regard as the minimum I should talk with me. I think you also should restrict yourself to the minimum for you and that you should have extra copies of all the most essential outside your home and possession. These cats are desparate and now is no time for taking chances if eliminating risk does not intrude upon preparations.

We have agreed that Bud should open and handle me on effectiveness of counsel and that you should handle the crookedness. Best,